

**DEC 16 2005**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNEKER FARMS, INC.; et al.,

Defendants,

and

ROBERT F. LONNEKER,

Defendant - Appellant,

FEDERAL LAND BANK OF SPOKANE,  
a corporation, aka/Northwest Farm Credit  
Services,

Defendant - Appellee.

No. 05-35089

D.C. No. CV-84-00812-JLQ

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of Washington  
Justin L. Quackenbush, District Judge, Presiding

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Submitted December 5, 2005\*\*

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Robert F. Lonneker appeals pro se from the district court's order denying his motion to vacate an earlier judgment as void. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for abuse of discretion the district court's denial of a Fed. R. Civ. P. 60(b) motion. *See Bateman v. United States Postal Serv.*, 231 F.3d 1220, 1223 (9th Cir. 2000). We affirm.

The district court did not abuse its discretion in denying Lonneker's motion to vacate a judgment entered sixteen years earlier. *See* Fed. R. Civ. P. 60(b)(4)(motion must be filed within a reasonable time). Lonneker's contention that there was insufficient evidence to support the judgment should have been raised in his prior appeal to this court. *See United States v. Lonneker*, 865 F.2d 265 (9th Cir. 1988); *see also Kesselring v. F/T Arctic Hero*, 95 F.3d 23, 24 (9th Cir. 1996) (per curiam).

**AFFIRMED.**

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\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).